

REMARKS

Reconsideration and withdrawal of all grounds of rejection are respectfully requested in view of the above amendments and the following remarks. By entry of this amendment, claims 1, 5, 11, 15, 16, 21, 22, 27, 28, and 32 have been amended and claims 4 and 34 have been canceled without prejudice or disclaimer.

Rejections under 35 USC § 112

Claims 32 and 33 were rejected as being indefinite, due to unclear language in independent claim 32. The amendment to claim 32 has removed any indefinite language, thereby overcoming this rejection.

Rejections under 35 USC § 102

Claims 1-8, 10-13, 15-21, 23-25, and 27-34 were rejected as being anticipated by Yang (US Pat. No. 6,470,718).

Applicants respectfully submit that claim 1, as amended, is not anticipated by the above cited reference as features of the claim are not shown or suggested in the reference. For example, amended claim 1 recites a lever arm and a user rotatable knob connected with the lever arm. While the Office Action asserts that the button 4 of Yang is a rotatable knob in that it rotates a lever arm into and out of engagement with a cable, the button itself is not rotatable, nor can the button be considered a user rotatable knob. As such, claim 1 is patentable over Yang and is in condition for allowance. Claims 2, 3, and 5-14 are also patentable over the cited reference at least based on direct or indirect dependence on claim 1 and are in condition for allowance.

Claim 4 has been canceled.

Claim 15, as amended, is not anticipated by the above cited reference as features of the claim are not shown or suggested by the reference. For example, claim 15 recites a shaft selectively engageable with a rotatable cam. In citing Yang, the Office Action identifies pin 25 as a shaft and straight end 29 of hook 27 as a rotatable cam. However, since the hook 27 of Yang rotates about the pin 25, the pin is not selectively engageable with any portion of the hook, because to the extent that the pin and hook engage each other, they are in constant engagement, and therefore not selectively engageable. As such, claim 15 is patentable over Yang and is in

condition for allowance. Claims 16-26 are also patentable over the cited reference at least based on direct or indirect dependence on claim 15 and are in condition for allowance.

Claim 27, as amended, is not anticipated by the above cited reference as features of the claim are not shown or suggested by the reference. For example, claim 27 recites a connecting member connecting a cam with an actuating member, wherein said connecting member is breakable such that the actuating member will disconnect from the cam when sufficient force is applied to the actuating member. In citing Yang, the Office Action identifies straight portion 29 of hook 27 as a rotatable cam, button 4 as a knob (since amended to recite an actuating member), and cutout 43 of button 4 as a connecting member. The Office Action asserts that “when the lock mechanism [of Yang] is in a locked position ... the connecting member could break under an amount of force.” However, nowhere in Yang is it disclosed or suggested that an amount of force applied to the button 4 would break the cutout 43 (and not, for example, the shaft 50 or inclined surface 53, which prevent the button 4 from being pressed when the lock is locked-- see col. 2, lines 61-65), or even if the cutout 43 were to break for any reason, the hook 27 would disconnect from the button 4. “The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that characteristic.” *In re Rijckaert*, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993); MPEP 2112. As such, claim 27 is patentable over Yang and is in condition for allowance.

Claim 28, as amended, is not anticipated by the above cited reference as features of the claim are not shown or suggested by the reference. For example, claim 28 recites a user rotatable knob connected to a cam. The button 4 of Yang, identified in the Office Action as a knob, is not rotatable, as previously discussed in greater detail. As such, claim 28 is patentable over Yang and is in condition for allowance. Claims 29-31 are also patentable over the cited reference at least based on direct or indirect dependence on claim 28 and are in condition for allowance.

Claim 32, as amended, is not anticipated by the above cited reference as features of the claim are not shown or suggested by the reference. For example, claim 32 recites a pivotable clamp affixed to an end portion of a cable. The hook 27 of Yang, identified in the Office Action as a pivotable clamp, is not affixed to an end portion of the cable 3, which is shown as having latch heads 31, 32 affixed to either end. As such, claim 32 is patentable over Yang and is in condition for allowance. Claim 33 is also patentable over the cited reference at least based on

direct dependence on claim 32 and is also in condition for allowance.

Rejections under 35 USC § 103(a)

Dependent claims 9 and 22 were rejected as being unpatentable over Yang in view of Meekma (U.S. Pat. No. 6,629,440). However, since Meekma was patented (October 7, 2003 issue date) after the priority date (September 25, 2003) of this application, Meekma is not available as a 102(a) or 102(b) reference. Further, since the Meekma patent has a common assignee (Master Lock) and inventor (Glenn Meekma), it is also not available as a 102(e) prior art reference. As such, claims 9 and 22 are patentable over the cited references, in addition to their patentability based on direct dependence from claims 1 and 15, as discussed above.

Dependent claims 14 and 26 were rejected as being unpatentable over Yang. However, the entry in the Office Action appears to be incomplete, as it refers to but does not identify a teaching reference, and it does not explain how the prior art teaches or suggests the features recited in the claims. As such, claims 14 and 26 are patentable over the cited reference, in addition to their patentability based on direct dependence from claims 1 and 15, as discussed above.

In summary, independent claims 1, 15, 27, 28, and 32 are believed to be allowable. Further, the remaining pending dependent claims are allowable at least based on direct or indirect dependence from the corresponding allowable independent claims.

In view of the above amendments and remarks, it is respectfully submitted that all pending claims of this application are in condition for allowance. Accordingly, a Notice of Allowance for all pending claims of this application is respectfully solicited. Furthermore, if the Examiner believes that additional discussions or information might advance the prosecution of this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,



David J. Grover
(Reg. No.: 58,930)
Phone (216) 622-8333

Dated: April 27, 2007